

AMENDED IN ASSEMBLY MARCH 26, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2135

Introduced by Assembly Member Frusetta

February 18, 1998

An act to amend Sections 7.6, 7.7, and 7.8 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), relating to the San Benito County Water ~~Conservation and Flood Control~~ District.

LEGISLATIVE COUNSEL'S DIGEST

AB 2135, as amended, Frusetta. San Benito County Water ~~Conservation and Flood Control~~ District.

(1) The San Benito County Water ~~Conservation and Flood Control~~ District Act authorizes the San Benito County Water ~~Conservation and Flood Control~~ District to levy a groundwater charge, as prescribed, and includes provisions requiring the preparation of an investigation and report on the groundwater conditions of the district, to hold a public hearing on the report, and to determine whether or not a groundwater charge should be levied as specified, based on a water year from March 1st of a calendar year to the last day of February of the following calendar year.

This bill would ~~modify those requirements to accord with a water year~~ *require that investigation and report to reflect groundwater conditions for a period* commencing October 1 of the preceding calendar year through September 30 of the

current year, *and would make related changes.* The bill would require the district to also hold a public hearing to determine if a groundwater charge should be levied, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7.6 of the San Benito County
2 ~~Water Conservation and Flood Control~~ District Act
3 (Chapter 1598 of the Statutes of 1953) is amended to read:

4 Sec. 7.6. The board may by resolution require the
5 district to annually prepare an investigation and report
6 on groundwater conditions of the district and the zones
7 thereof, for the ~~water year commencing~~ *period from*
8 October 1 of the preceding calendar year through
9 September 30 of the current year and on activities of the
10 district for protection and augmentation of the water
11 supplies of the district and the zones thereof. The
12 investigation and report shall include all of the following
13 information:

14 (a) Information for the consideration of the board in
15 its determination of the annual overdraft.

16 (b) Information for the consideration of the board in
17 its determination of the accumulated overdraft as of
18 September 30 of the current calendar year.

19 (c) A report as to the total production of water from
20 the groundwater supplies of the district and the zones
21 thereof as of September 30 of the current calendar year.

22 (d) An estimate of the annual overdraft for the current
23 water year and for the ensuing water year.

24 (e) Information for the consideration of the board in
25 its determination of the estimated amount of agricultural

1 water and the estimated amount of water other than
2 agricultural water to be withdrawn ~~form~~ *from* the
3 groundwater supplies of the district and the zones thereof
4 for the ensuing water year.

5 (f) The amount of water the district is obligated to
6 purchase during the ensuing water year.

7 (g) A recommendation as to the quantity of water
8 needed for surface delivery and for replenishment of the
9 groundwater supplies of the district and the zones thereof
10 the ensuing water year.

11 (h) A recommendation as to whether or not a
12 groundwater charge should be levied in any zone or
13 zones of the district during the ensuing water year.

14 (i) If any groundwater charge is recommended, a
15 proposal of a rate per acre-foot for agricultural water and
16 a rate per acre-foot for all water other than agricultural
17 water for such zone or zones.

18 (j) Any other information the board requires.

19 SEC. 2. Section 7.7 of the San Benito ~~Water~~
20 ~~Conservation and Flood Control~~ County Water District
21 Act (Chapter 1598 of the Statutes of 1953) is amended to
22 read:

23 Sec. 7.7. (a) On the third Monday in December of
24 each year, the groundwater report shall be delivered to
25 the clerk of the board in writing. The clerk shall publish,
26 pursuant to Section 6061 of the Government Code, a
27 notice of the receipt of the report and of a public hearing
28 to be held on the second Monday of January of the
29 following year in a newspaper of general circulation
30 printed and published within the district, at least 10 days
31 prior to the date at which the public hearing regarding
32 the groundwater report shall be held. The notice shall
33 include, but is not limited to, an invitation to all operators
34 of water-producing facilities within the district to call at
35 the offices of the district to examine the groundwater
36 report.

37 (b) The board shall hold, on the second Monday of
38 January of each year, a public hearing, at which time any
39 operator of a water-producing facility within the district,
40 or any person interested in the condition of the

1 groundwater supplies or the surface water supplies of the
2 district, may in person, or by representative, appear and
3 submit evidence concerning the groundwater conditions
4 and the surface water supplies of the district.
5 Appearances also may be made supporting or protesting
6 the written groundwater report, including, but not
7 limited to, the engineer's recommended groundwater
8 charge.

9 SEC. 3. Section 7.8 of the San Benito County Water
10 ~~Conservation and Flood Control~~ District Act (Chapter
11 1598 of the Statutes of 1953) is amended to read:

12 Sec. 7.8. (a) Prior to the end of the water year in
13 which a hearing is held pursuant to subdivision (b) of
14 Section 7.7, the board shall hold a public hearing, noticed
15 pursuant to Section 6061 of the Government Code, to
16 determine if a groundwater charge should be levied in
17 any zone or zones. If the board determines that a
18 groundwater charge should be levied, it shall levy, assess,
19 and affix such a charge or charges against all persons
20 operating groundwater-producing facilities within the
21 zone or zones during the ensuing water year. The charge
22 shall be computed at a fixed and uniform rate per
23 acre-foot for agricultural water, and at a fixed and
24 uniform rate per acre-foot for all water other than
25 agricultural water. Different rates may be established in
26 different zones. However, in each zone, the rate for
27 agricultural water shall be fixed and uniform and the rate
28 for water other than agricultural water shall be fixed and
29 uniform. The rate for agricultural water shall not exceed
30 one-third of the rate for all water other than agricultural
31 water.

32 (b) The groundwater charge in any year shall not
33 exceed the costs reasonably borne by the district in the
34 period of the charge in providing the water supply
35 service authorized by this act in the district or a zone or
36 zones thereof.

37 (c) Any groundwater charge levied pursuant to this
38 section shall be in addition to any general tax or
39 assessment levied within the district or any zone or zones
40 thereof.

1 (d) Clerical errors occurring or appearing in the name
2 of any person or in the description of the water-producing
3 facility where the production of water therefrom is
4 otherwise properly charged, or in the making or
5 extension of any charge upon the records which do not
6 affect the substantial rights of the assessee or assessees,
7 shall not invalidate the groundwater charge.

8 SEC. 4. No reimbursement is required by this act
9 pursuant to Section 6 of Article XIII B of the California
10 Constitution because the only costs that may be incurred
11 by a local agency or school district are the result of a
12 program for which legislative authority was requested by
13 that local agency or school district, within the meaning of
14 Section 17556 of the Government Code and Section 6 of
15 Article XIII B of the California Constitution.

16 Notwithstanding Section 17580 of the Government
17 Code, unless otherwise specified, the provisions of this act
18 shall become operative on the same date that the act
19 takes effect pursuant to the California Constitution.

